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HOUSE COMMITTEE ON RESOURCES

Subcommittee on Energy and Mineral Resources

Field Hearing

Pecos River Village, Carousel Building

701 Muscatel Avenue

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I am Tom W. Davis. Since 1987 I have been the Manager of the Carlsbad Irrigation District. For the sixteen years prior to my current employment, I was employed by the U.S. Department of Agriculture Forest Service in the field of natural resources management. I have a B.S. degree from Oklahoma State University.

The Carlsbad Irrigation District is authorized to store 176,500 acre feet of water in four reservoirs on the Pecos River. These are proceeding from the northern most reservoir and moving downstream: Santa Rosa, Sumner, Brantley and Avalon. CID delivers water through a gravity flow canal system to 25,055 acres of agriculture lands scattered throughout the valley southeast of Carlsbad, NM. In order to minimize evaporation losses of the stored water, the water is kept in upstream reservoirs as often and as long as possible. The stored water is moved from upstream reservoirs to downstream reservoirs as efficiently as possible by making block releases. That is, the water is released at the maximum river channel capacity of 1,400 cubic feet per second which is about 2,800 acre feet in a 24-hour period. Historically, these releases lasted 15 to 20 days. These high flow releases minimized evaporation and stream bank losses. This release practice has been used since Sumner Dam was built in 1937.

CID only impounds the flood flows in Santa Rosa and Sumner from March through October each year. The natural base flows above these reservoirs are passed through Sumner for diversion by the Fort Sumner Irrigation District. So, for eight months of the year, the Pecos River flows below Sumner Dam unimpeded by Santa Rosa or Sumner Dams. The river flows as if the dams weren't there.

The Pecos Blunt Nose Shiner was listed a threatened species to be protected under the Endangered Species Act in 1987. Critical habitat for the shiner was designated in the 70-mile reach of the river below the village of Fort Sumner. The river is wide and meandering with a sandy bottom throughout this reach. This is believed to be preferred habitat for the shiner.

Immediately after listing the shiner as threatened, the US Fish and Wildlife Service biologists took the position that the historical operation of Sumner Dam was responsible for reducing the shiner population to a threatened status even though the base flow of the Pecos River is released through Sumner Dam. It seemed to me that it was predetermined that the dams were the cause of the shiners demise.

Since 1992, the CID has cooperated to the extent possible with the US Fish and Wildlife biologists requests to experiment with different operation scenarios at Sumner Dam that might benefit the shiner. Currently, we are governed by a three-year Biological Opinion that expires in 2006 that outlines the release operations of Sumner Dam. Yet we are told by the biologist that despite the modifying of normal release operations and meeting target flows through the critical habitat, the shiner population is still declining.

If it is true that the population is in decline, one could raise several questions. The operation or existence of Sumner Dam may not be the paramount influence on shiner survivability. Their population could be more influenced by other factors. It could be that we don't know enough about the shiner population numbers over a long period to accurately understand and measure both past and present population numbers or population trends. Maybe we don't understand enough about the shiners habitat needs to manage for its

survival, not to mention de-listing.

My point is that we are not making any progress after 12 years of manipulating the system and spending millions of taxpayer's dollars to study and to meet the shiners supposed needs.

Is it possible the shiner is doomed? Thousands of other species have become extinct without the influence of humans. Is it possible the shiner is cyclic and there are as many today as there were 300 years ago? Is it possible the shiner should have never been listed? I could continue on with these possibilities.

A private firm who employ nationally recognized fish biologists was hired by the New Mexico Interstate Stream Commission to make an independent review of the literature and study of the shiner in the Pecos River. They have, after extensive sampling, concluded that the shiner has different habitat preferences, different populations and survivability than was published by US Fish and Wildlife biologists. They have also found shiners in reaches of the river where we were told they could not survive.

So, what is the shiner's real situation? No one knows!

This is the very same situation that implementation of the Endangered Species Act presents throughout the west.

Very expensive attempts at implementing the ESA to improve the plight of listed species have in nearly all instances been unsuccessful. The cost to local economies throughout the west is in the millions. Yet, the benefits to the listed species are negligible. Just review how few have been de-listed.

No civilized nation desires to sit by while species go extinct. There is no doubt, our nation has spent more and tried harder to deal with the problem than anyone throughout the history of mankind. But it is not working. We are just spending money and crippling economies.

We must make a change for the better.

I hope the American people can support Congress in making the necessary changes to the ESA so that it will serve the needs of our economy and society at the same time in finding a way to actually benefit species that may be in jeopardy.

There are throughout the west a number of people who have much more experience than I do and who have been impacted by implementation of the ESA. Due to our experience we have many ideas on how to make positive changes in the act.

If Congress is sincere in making the ESA truly functional, they need to draw on the experiences of westerners who continue to struggle to implement the act and at the same time, preserve their livelihoods. These field hearings may be one method where Congress can gain exposure to those in the west who can be helpful in suggesting positive changes.

Thank you for the opportunity to comment.